

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA THOMPSON

Plaintiff,

vs.

Case No.:

Hon.

Mag.

MENDARDS, a Domestic Limited Liability
Company and JOHN DOE,

Defendants.

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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION**

TO: Thomas G. Krall
Attorney for Plaintiff

NOW COMES the Defendant, Menard, Inc., (incorrectly named as Mendards), by and through its attorneys Garan Lucow Miller, P.C., and in support of this Notice of Removal of Cause to the United States District Court for the Eastern District of Michigan, Southern Division, states as follows:

1. That on or about August 30, 2021, Plaintiff commenced this cause of action in the Circuit Court for the County of Macomb, State of Michigan, by filing Plaintiff's Summons and Complaint against the Defendant, Menard, Inc. (incorrectly named as Mendards) (see Plaintiff's Summons and Complaint- **Exhibit A**).

2. That on or about September 8, 2021, by service on the Corporation Service Company, Plaintiff did serve the Plaintiff's Summons and Complaint on Defendant, Menard, Inc. (incorrectly named as Mendards) (see **Exhibit B**).

3. That this action is a suit at common law of a civil nature and the amount involved, inclusive of interest and costs, and upon information and belief, as based upon representations by the Plaintiff, that Linda Thompson's injuries and damages as claimed by the Plaintiff against the Defendant to be in excess of the sum of \$75,000.00 (**Exhibit A**) and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

4. Plaintiff alleges damages as a result of the alleged incident occurring on March 14, 2021, as against the Defendant which is described in Plaintiff's Complaint, in Paragraph 19 (**Exhibit A**) all of which states as follows:

19. Solely as a result of the injuries caused by the aforementioned, Plaintiff has incurred damages, including:
 - a. Medical expenses;

- b. She has suffered great pain, inconvenience, embarrassment, and mental anguish;
- c. Her overall health, strength, and vitality have been greatly impaired.

5. Further, on March 19, 2021, Plaintiff's counsel by correspondence to Defendant, made a demand for payment from the Defendant in the amount of \$1,000,000.00.

6. Therefore, based upon the foregoing allegations and demand of damages as contained in Plaintiff's Complaint (**Exhibit A**), and Plaintiff's counsel's demand for payment on March 19, 2021, of \$1,000,000.00, Plaintiff's claimed amount in controversy against the Defendant are claimed to have a value in excess of the sum of \$75,000.00 and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

7. Defendant, Menard, Inc. (improperly named as Mendards), shows this Honorable Court that this action involves a controversy between citizens of different states, in that:

(A) Plaintiff, Linda Thompson, was, and at the time of the commencement of this action, and now is a citizen of the County of Wayne, State of Michigan. (**Exhibit A, paragraph 3**).

(B) Defendant, Menard, Inc., (improperly named as Mendards) at the time of the commencement of this action, was, and now is incorporated under the laws of the State

of Wisconsin, and by virtue of said incorporation was, and is, a citizen of the State of Wisconsin, and is not a citizen of the State of Michigan.

(C) Defendant, Menard, Inc., (improperly named as Mendards) had, at the time of the commencement of this action, and now has, its principal place of business in the State of Wisconsin and is not a citizen of the State of Michigan by reason of its principal place of business.

(D) The naming of “John Doe”, a fictitious name, shall be disregarded as to a Removal based upon diversity of citizenship. 28 USC §1441(b).

8. That this notice of removal is filed with this Court within 30 days of the Plaintiff’s filing of this action on August 30, 2021, and within 30 days of the service of Plaintiff’s Summons and Complaint on the Defendant, Menard, Inc. (improperly named as Mendards), on September 8, 2021 (**Exhibits A and B**). Therefore, this removal is filed within 30 days of the filing and service of this action on this Defendant as required by 28 USC §1446(b).

9. That written notice of the filing of this removal has been given to all adverse parties as required by law and a copy of the Notice of Removal

has been filed with the Clerk of the Court for the County of Macomb, State of Michigan by email-filing.

10. Attached is a copy of all process and pleadings which were served upon the Defendant in this cause (**Exhibits A and B**).

WHEREFORE, Defendant, Menard, Inc., (improperly named as Mendards), herein, respectfully prays that this Honorable Court enter its order for removing this cause from the Circuit Court for the County of Macomb, State of Michigan, to the United States District Court, Eastern District of Michigan, Southern Division.

Date: September 17, 2021

s/Mark Shreve
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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: All ECF Attorney(s) of Record on this case.

and I hereby certify that I have mailed by United States Postal Service and emailed the paper to the following:

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s/Mark Shreve
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